

Senate Bill No. 1344

CHAPTER 144

An act to amend Section 42310.3 of the Public Resources Code, relating to recycling.

[Approved by Governor August 22, 2006. Filed with
Secretary of State August 22, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1344, Chesbro. Recycling: plastic packaging containers.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria, including being made of 25% postconsumer material. Existing law provides that a manufacturer is in compliance with that 25% requirement criteria if the manufacturer makes a demonstration with regard to the consumption of a volume of postconsumer material in the manufacture of a rigid plastic packaging container, whether or not that container is subject to those criteria, that results in the consumption of an equivalent volume of post consumer material or a demonstration regarding the exportation of an equivalent volume of that material to another state or country.

The bill would revise the conditions by which a manufacture may demonstrate compliance with that 25% requirement, to delete the requirement that the volume of the post consumer material be used in determining eligibility for that alternative requirement. The bill would include the consumption or export of postconsumer materials used for the manufacture of other plastic products and plastic packaging and would delete the inclusion of postconsumer material that is exported to another country.

The people of the State of California do enact as follows:

SECTION 1. Section 42310.3 of the Public Resources Code is amended to read:

42310.3. (a) Notwithstanding Section 42310, a manufacturer is in compliance with the requirements of this chapter if the manufacturer demonstrates through its own actions, or the actions of another company under the same corporate ownership, that one of the following actions were taken during the same period for which the manufacturer is subject to this chapter, with regard to a rigid plastic packaging container that stores the manufacturer's product that is sold or intended for sale in this state:

(1) The manufacturer, or another company under the same corporate ownership, consumed postconsumer material generated in the state in the manufacture of a rigid plastic packaging container subject to Section 42310, or a rigid plastic packaging container or other plastic products or plastic packaging not subject to that section, and that is equivalent to, or exceeds the postconsumer material that the rigid plastic packaging container is otherwise required to contain, as specified in subdivision (a) of Section 42310.

(2) The manufacturer, or any company under the same corporate ownership, arranged by contractual agreement for the purchase and consumption of postconsumer material generated in the state and exported to another state for the manufacture of rigid plastic packaging container subject to Section 42310, or a rigid plastic packaging container or other plastic products or plastic packaging not subject to that section that is equivalent to, or exceeds the postconsumer material that the rigid plastic packaging container is otherwise required to contain, as specified in subdivision (a) of Section 42310.

(b) The board shall determine the manner of demonstrating compliance with the requirements of this section.